

Chapter 13: Tribal Enforcement

Section 13.040: Understanding Tribal Limitations

This section briefly discusses limitations to collections when there are tribal issues connected with a case. *This section was formerly 9.085.*

CONTENTS

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| Laws | <u>Chapter 26.25 RCW</u> cooperative child support services – tribes <u>Chapter 37.12 RCW</u> tribal relations <u>Washington State Centennial Accord of 1989</u> |
| Policy | <p>Treat all federally recognized tribes as independent sovereign governments.</p> <p>Do not take any collection action against an Indian tribe, a tribally owned enterprise, or an Indian-owned business located on a reservation or trust land, unless the tribe agrees to an enforcement process. See <u>SEMS Web TI - Tribal Information</u>.</p> <p>Transfer tribal cases to your Tribal Liaison.DCS seeks to work with Indian tribes to develop <u>informal processes</u> and <u>cooperative agreements</u> to address child support.</p> |
| Procedure | Since procedures vary depending on local and state agreements, refer to your regional Tribal Liaison for guidance. |
| Visual Aids | <u>Tribal Relations</u> Internet site <u>SEMS Web TI - Tribal Information</u> |
| Automated Actions | If any party's BI is coded with a tribal affiliation, SEMS will change Enf Svcs on BC to 8. No Auto Eval will occur. |
| SEMS Screens | <u>CC</u>, <u>IA</u>, <u>BC</u>, <u>BI</u>, <u>OR</u> |
| Forms Used | <u>09-836</u> Most DCS forms note procedures for tribal cases. |
| Hearing and ConferenceBoard Rights | Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer. |
| See Also | <u>DSHS Administrative Policy 7.01</u> <u>Federal Indian Policy</u> <u>Chapter 6 Establishment of a Support Obligation</u> <u>Chapter 10 - Collection Tools and Assets</u> <u>Chapter 19 Debt Calculation</u> <u>Chapter 16 Modifications</u> <u>Chapter 20 Locate</u> <u>Medical Support Program Overview</u> |

PROCEDURES

A. What are some limitations on tribal collections?

Note: Use **CC 76** for all case comments with tribal references.

1. Each tribe is an independent sovereign government with its own political structure and laws.
2. Each DCS region has a Tribal Liaison and a Tribal Claims Officer who are familiar with local tribes and agreements. You (the RSEO) should consult them and follow local procedure when there are any tribal connections on a case.
3. DCS's goal is to make use of tribal courts whenever appropriate. Refer cases with tribal orders that do not address child support or that need modification or other action to the local Tribal Liaison/Tribal Claims Officer.
4. Do not consider any money received by an NCP from the Colville Confederated Tribe, Settlement Claim No. 181-D when establishing a child support obligation. You may not attach this money for child support debts.
5. Transfer tribal cases (see 13.000 J) to your Regional Tribal Liaison. Consult your Tribal Liaison or Tribal Claims Officer before doing any of the following:
 - a. Referring the case for modification or contempt.
 - b. Beginning the license suspension process.
 - c. Sending a Creditor's Claim against an estate of an American Indian NCP.
 - d. Beginning NWEF collection action.
 - e. Asking to post the NCP to the DCS Most Wanted website.
 - f. Issuing an OWI to any tribe, tribally owned enterprise, or Indian-owned business.

Note: DCS has no authority to enforce noncompliance actions against these employers. (*See Charts 3A and 3B*).
 - g. Taking collection action against any off-reservation assets if an intergovernmental agreement is in place. Intergovernmental agreements may address limitations against these assets.
6. There may be other enforcement limitations based on state and tribal agreed upon processes or cooperative agreements. Consult your Regional Tribal Liaison or Tribal Claims Officer before taking collection action.

Note: See SEMS Web TI - Tribal Information for a listing of Washington Indian tribes, enterprises, businesses, etc. Refer to the Tribal Liaison or ESA STRU if you have questions.